

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

DECEMBER 18, 2006

KENDALL-DEAN SCHOOL

6:45 P.M.

GOOD & WELFARE

Suggestions from Ernest Alter

Mr. Alter of 600 Victory Highway asked the Council to consider these suggestions: 1.) Follow an aggressive policy to implement open space, 2.) Notify residents of their rights if they are not getting satisfactory resolutions, 3.) Enact more budgetary control on school spending and contracts, 4.) Hire a full-time human resources director and engineer and 5.) Examine the pay scales of the Council members.

Mr. Alter had submitted these concerns for a prior meeting and they had been continued to the January 16th meeting. He requested that he be removed from that agenda.

2007/2008 School Department Budget

Mr. Lowe noted that the school department budget cannot be increased greater than 5.25% and that is on the town's appropriation. This equates to approximately a 3.8% increase on their overall budget when state aid is included.

School Department Performance

Mrs. Thibault complimented Superintendent Stephen Lindberg on the school department's high performance evaluation.

PUBLIC HEARING NORTH SMITHFIELD TOWN COUNCIL

DECEMBER 18, 2006

KENDALL-DEAN SCHOOL

7:00 P.M.

The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also present.

This hearing was called to consider general amendments to the North Smithfield Zoning Ordinance regarding Wetland and Water Body Setbacks as well as Fencing.

Wetland and Water Body Setbacks

Town Planner Michael Phillips researched information from surrounding communities and crafted an ordinance with a 150-foot setback for septic systems from wetlands and water bodies and a 100-foot buffer for structures from wetlands/water bodies. The Planning Board has some concerns with the wording as it pertains to ISDS. There are sand filters that have been developed and approved by the Department of Environmental Management (DEM) that do not leach septic into the groundwater; they are evaporative systems. Some thought that might be a loophole that these systems could be located within that 150-foot setback.

Mr. Lovett asked if there were set DEM requirements.

Mr. Phillips responded typically for ISDS it is a 50-foot setback from wetlands. Depending upon the width of a stream, it could be 100 or 200 feet.

Conservation Commission Chairman Donald Gagnon attended the Planning Board meeting the other evening when there was a lengthy discussion about bottomless sand filters. He did a lot of research into this topic and learned that they do leach into the soil. There is a transeaporation system that requires a large surface area and intense sun. The sand filters are not applicable in this area because the ground freezes.

Mr. Michael Rapko contacted DEM today regarding ISDS. There will slowly be changes forthcoming and DEM is encouraged that towns are moving to 150-foot setbacks for septic. He added that in Massachusetts there is a 100-foot buffer from wetlands for any type of disturbance of the soil.

Mr. Zwolenski asked Mr. Rapko if he could get some written verbiage from the DEM representative saying they were encouraged by 100- or 150-foot setbacks.

Dr. Caroly Shumway provided scientific documentation for using a 100-foot buffer.

December 18, 2006

Zoning Board member Stephen Kearns would prefer to have state standards rather than individual regulations from 39 cities and towns.

Mr. Phillips stated that there is a good deal of science, much of it generated in Rhode Island, regarding nutrient attenuation over area in distance from wetlands. There are a lot of studies that show with distance the amount of nutrients that are taken out of the soil. One study shows that with 150 feet, you're getting close to 90% of the nutrients from the septic system are attenuated. He is hesitant about the newer technology because the way these new systems are designed, there is no introduction of nutrients into the groundwater.

Mr. Phillips added that sand filters are being accepted by DEM and are being used more and more. The town of Glocester is requiring them in their new developments and the North Smithfield Planning Board is requiring sand filters in the Blunders development.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue this public hearing to January 16, 2007 at 7:00 P.M.

Fencing Ordinance

Mrs. Thibault explained that the previous Council had received a complaint from a family whose neighbor had erected a fence and then

wrote graffiti on the complainant's side of the fence. As a result, Mr. Hadden was asked to draft an ordinance.

Mr. Raymond Leclaire of 17 Birch Hill Avenue felt this ordinance takes away personal freedoms and liberties. A large percentage of property owners would be in violation of this ordinance and he strongly urged the Council to reject it in its entirety. Mr. Leclaire sent notice of this proposed ordinance to the ACLU and received a response stating there was a section that was considered to be unconstitutional.

Mr. Hadden commented that it was not his intent, or the Council's, to prevent protected speech. There is a way to revise the language but the town does have the right to regulate the height of fences. This ordinance does not restrict anyone from putting up a fence. It does try to permit people to use fences in a reasonable and fair way so that it does not become a nuisance to the neighbor.

Mr. Paul Soares of Sayles Hill Road was unsure of the need for this ordinance at all but was specifically concerned with hedges and walls. Over the past twenty years he has planted 140 hedges to provide privacy and a noise barrier. Sixteen residents of his street would be in violation and he recommends striking "hedges and walls" from the ordinance.

Although Mr. Hadden said Mr. Soares would be grandfathered in, Mr. Soares did not find that to be satisfactory.

Mr. Michael Fournier of Mattity Road, the original complainant, endorsed the ordinance and felt that had there been one when his particular incident occurred, this hearing would not have to be taking place.

Mr. Rapko researched an ordinance from Smithfield and found they have focused on the safety issue of fencing.

Both Mr. Lovett and Mr. Leclerc received numerous phone calls from residents and they agree there should not be any restrictions placed on the planting of hedges, trees or greenery on private property.

Mr. James Giordano is concerned with the entire ordinance. He has researched several towns and found most did not have a fencing ordinance to the extent of the one proposed here.

Mr. Zwolenski and Mrs. Thibault also concurred that hedges and walls should be removed from the ordinance.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to continue this public hearing to January 16, 2006 at 7:30 P.M.

**REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL
DECEMBER 18, 2006**

KENDALL-DEAN SCHOOL IMMEDIATELY FOLLOWING PUBLIC

HEARING

The meeting began at 8:18 P.M. The prayer and the pledge to the flag were waived. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.

APPROVAL OF MINUTES

MOTION by Mr. Lovett and seconded by Mr. Zwolenski for discussion to approve the minutes of November 20 and December 1, 2006.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote that the Clerk include in the minutes of November 20th the specific amendments to the zoning ordinance that had been recommended.

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to approve the minutes of November 20 and December 1, 2006 as amended.

PAYMENT OF BILLS

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve payment of the following: General Fund - \$2,309,564.39; Sewer - \$15,592.93; and Water - \$7,694.77 for a total of \$2,332,852.09. (The total includes the \$700.00 overage for repairs to the fire department roof.)

FIRE DEPARTMENT ROOF REPAIRS

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to move this item up on the agenda.

Finance Director Jill Gemma explained that the capital amount approved in the budget for this was \$8,000.00. The bid was awarded for \$7,800.00; however, the final invoice amounted to \$8,700.00. She requested approval for a \$700.00 overage.

GILBANE BUILDING COMPANY INVOICES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve payment of Task Order #4 in the amount of \$3,589.00, Task Order #4 in the amount of \$1,339.00 and Requisition #4 in the amount of \$316,971.00 for a total of \$321,899.00 based upon the recommendation of the Finance Director.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to enter into executive session at 8:40 P.M. pursuant to RIGL 42-46-5(A)(3) – Discussion regarding the matter of security including but not limited to the deployment of security personnel or devises to discuss school building security and pursuant to RIGL 42-46-5(A)(2) – Sessions pertaining to collective bargaining or litigation to discuss the DiCenzo property pneumatic rock breaking, a claim from Peter Cardin-Prochniak and the

Slatersville River Properties water tie-in.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 9:58 P.M. and to seal the minutes.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to place the approval of the assessment for the Slatersville River Properties water tie-in on the agenda for January 2, 2007.

HOLIDAY SALES LICENSE – NORTH SMITHFIELD SUNNY MART

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move this item up on the agenda.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the holiday sales license application.

AWARD OF BID – HALLIWELL SCHOOL COMPUTER LAB

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to move this item up on the agenda.

December 18, 2006

Mr. Leclerc had several questions on this bid and was concerned

there was no documentation to which he could refer.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted 3 to 2 on an aye vote to continue this to the January 2nd meeting. Mr. Lovett and Mr. Keeley voted no.

APPOINTMENT TO CONSERVATION COMMISSION

Mr. Lowe recommended that E. Ann Scott of 56 Alpine Way be appointed to this commission.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve Mr. Lowe's appointment of E. Ann Scott who will be completing the three-year term of Eileen Kelly that expires December 1, 2008.

APPOINTMENT TO PARKS AND RECREATION COMMISSION

MOTION by Mr. Zwolenski, seconded by Mr. Lovett, and voted unanimously on an aye vote to approve Administrator Lowe's appointment of Philip Paul to the Parks and Recreation Commission. This is a two-year term that expires December 1, 2008.

APPOINTMENT TO JUVENILE HEARING BOARD

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve Administrator Lowe's appointment of Christine Carpenter to the Juvenile Hearing Board. This is a three-year term that will expire on December 1, 2009.

RESIGNATIONS FROM ZONING BOARD

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, to accept the resignations of Emilie Joyal and Cornelia Laprade from the Zoning Board and to send them letters of appreciation.

CONSERVATION COMMISSION MINUTES

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to place on file the minutes of September 21 and October 10, 2006.

LIZ DEVELOPMENT

Mr. Lowe informed the Council that the road has now been paved. The town is waiting for an easement from one of the residents of Smith Street to allow a guardrail to cross her property. Debris has been cleaned up and the area looks much better.

APPOINTMENTS TO BUDGET COMMITTEE

Mr. Leclerc appointed Mark Brissette of 4 Lincoln Drive.

Mr. Lovett appointed John Zambarano of 165 Comstock Rd.

Mr. Keeley appointed Christine Charest of 19 Lincoln Drive.

Mr. Zwolenski and Mrs. Thibault tabled their appointments to the January 2nd meeting.

APPOINTMENT TO JUVENILE HEARING BOARD

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted

unanimously on an aye vote to appoint Judith Langford to a three-year term that will expire on December 1, 2009.

APPOINTMENT TO HISTORIC DISTRICT COMMITTEE

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to reappoint Irene Nebiker to a three-year term that will expire December 1, 2009.

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to reappoint Elizabeth Martel to a three-year term that will expire on December 1, 2009.

APPOINTMENT TO PUBLIC SAFETY COMMISSION

MOTION by Mr. Lovett, seconded by Mr. Keeley and Mr. Zwolenski, and voted unanimously on an aye vote to reappoint Theodore Lemieux, Jr. to a three-year term that will expire on December 1, 2009.

APPOINTMENTS TO SCHOOL BUILDING COMMITTEE

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to reappoint all of the current members.

December 18, 2006

Mr. Lowe suggested that the Council obtain a letter from the School Committee regarding their appointment.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted

unanimously on an aye vote to table the appointments to the January 2, 2007 meeting.

APPOINTMENT TO SEWER COMMISSION

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to table this appointment to the January 2nd meeting.

APPOINTMENTS TO ZONING BOARD

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to appoint Steven Scarpelli to complete the five-year term of Emilie Joyal that will expire on December 1, 2007.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to appoint Guy Denizard to complete the five-year term of Cornelia Laprade that will expire on December 1, 2008.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to appoint Mario DiNunzio as the 1st Alternate. This is a one-year appointment that will expire on December 1, 2007.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to appoint Dean Naylor as the 2nd

Alternate. This is a one-year term that will expire on December 1, 2007.

APPOINTMENT OF VETERANS ADVISOR

MOTION by Mr. Lovett, seconded by Mr. Keeley and Mr. Zwolenski, and voted unanimously on an aye vote to table this appointment to the January 2nd meeting.

APPOINTMENT OF SEALER OF WEIGHTS AND MEASURES

MOTION by Mr. Keeley, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to appoint Mr. Kelly Reilly contingent upon his successful completion of the state certification.

APPOINTMENT TO THE WATER ADVISORY SUB-COMMITTEE

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to table this to the January 2nd meeting.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to extend the meeting to 10:45 P.M.

1ST READING ORDINANCE AMENDMENT RE: SUMMIT AVENUE PARKING

Mr. Lovett read the ordinance which constitutes the first reading.

Melissa Raymond of 24 Summit Avenue feels parking should be allowed on one side of the street as it always has been. She agrees

there should be no parking at the corner. Ms. Raymond believes the problem stems from the fact that the “No Parking” signs were not replaced when the sidewalks were redone.

Mr. Lowe agreed and stated the intent was to replace the “No Parking” signs. He said he will speak with Chief Reynolds to confirm the department’s recommendation.

Richard Lobello of 32 Summit Avenue believes there will be no problem if parking is limited at the corner.

1ST READING ORDINANCE AMENDMENT RE: SALARIES & WAGES

Mrs. Gemma presented an updated ordinance reflecting the new contract for Local 937.

Mr. Lovett read the ordinance by title. This constitutes the first reading.

ESTABLISHMENT OF ORDINANCE COMMITTEE

Dr. Caroly Shumway proposed an ordinance committee be established to work on ordinances that need to be created in conformance with the

December 18, 2006

Comprehensive Plan. She suggested that the Town Solicitor, the Town Planner, the Building Inspector, a Planning Board member, a

Zoning Board member, a Conservation Commission member, and a citizen at large be a part of the committee.

Mr. Phillips stated he was waiting for a deficiency notice on the Comprehensive Plan.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to extend the meeting to 11:00 P.M.

It was Mr. Hadden's recollection that a consultant was to be hired. He stated that by Charter and by state law the Planning Board is charged with coming up with the appropriate ordinances. However, if a citizen committee is established, the ordinance would have to be seen by the Planning Board before coming to the Council. No matter how it is done, there should be a retained consultant to be sure it is done properly.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote that this be brought back at the January 16th meeting for further discussion.

COMMUNICATIONS

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to place the following on file: A.) Animal Control Monthly Report for November 2006 and B.) Resolution Supporting Repeal of State Special Education Laws from the City of

Providence.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to adjourn at 10:50 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk